

REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Upon entry of this Amendment, claims 1-7, 9-18, and 20-31 are pending in the application. Claims 8 and 19 have been cancelled, and claims 4, 5, 7, 9-18, and 20-24 have been amended.

Paragraph 1 of the Office Action notes several informalities and inconsistencies in the specification. The specification has been amended to correct these informalities. With respect to item 5 under heading A, the use of fenders 516 is accurate. A fender 516 is provided for one of the rear wheels of the all-terrain vehicle and a fender 516 is provided for the other of the rear wheels of the all-terrain vehicle (see Figs. 12, 13A, and 13B, for example). Withdrawal of this objection is respectfully requested.

The drawings are objected to under 37 C.F.R. §1.84(p)(5). The specification has been amended and Figs. 2A, 2B, 3, 6, and 7-9 have been amended in a Drawing Change Authorization Request that is submitted herewith in order to overcome the objections noted by the Examiner. No new matter has been entered. In paragraph 3 of the Office Action, the Examiner notes that reference numeral 351 in Figure 9 is not mentioned in the description. However, see paragraph 45, where a description is provided for reference numeral 351.

The drawings are objected to under 37 C.F.R. §1.84(p)(4). The specification has been amended and Figs. 13 and 13A have been amended in a Drawing Change Authorization Request that is submitted herewith in order to overcome this objection. No new matter has been entered. Withdrawal of this objection is respectfully requested.

In paragraph 5 of the Office Action, the drawings are objected to under 37 C.F.R. §1.83(a). Specifically, the Office Action asserts that an “engine” recited in the claims is not found in Figs. 5-14, which comprise the instant invention. The Office Action asserts that an engine is only shown in related art figures 1A, 1B, and 2B. The specification has been amended and Fig. 5 has been amended in a Drawing Change Authorization Request that is submitted herewith in order to overcome this objection. Specifically, Fig. 5 has been amended to include a black box of engine 600 that incorporates a valve cover and a crankcase. No new matter has been entered. Withdrawal of this objection is respectfully requested.

In paragraph 6 of the Office Action, the Office Action notes that some of the reference numerals in Figs. 12 and 13 are not uniform and well defined. Formal figures will be filed upon receipt of a Notice of Allowance in order to correct this objection.

In paragraph 7 of the Office Action, the Office Action notes that reference numeral 352 in Fig. 5 has a lead line that is directed towards a pipe 306B. Applicant notes that the lead line is an arrow that shows the direction of flow of air out of tube 304 to carburetor 352. Thus, the arrow is not a lead line as indicated by the Examiner. Withdrawal of this objection is respectfully requested.

In paragraph 9 of the Office Action, the Office Action notes that section lines should appear on Figs. 5 and 12 to indicate that Figs. 8 and 13A, respectively, are top plan views. However, Figs. 5 and 12 are not cross-sectional views, but side views. Thus, section lines will not be added. The specification has been amended in paragraphs 36 and 42 to indicate that Figs. 5 and 12 are plan views, rather than top plan views. Withdrawal of this objection is respectfully requested.

In paragraph 9, the Office Action notes that the lead line for reference numeral 312 on Fig. 13 seems to terminate prematurely. Fig. 13 has been amended in a Drawing Change Authorization Request in order to overcome this objection. Withdrawal of this objection is respectfully requested.

Paragraph 10 of the Office Action notes several informalities in the claims. The claims have been amended to correct these informalities. With respect to item (A), the recitation of rear fenders is accurate in that the all-terrain vehicle includes a rear fender for one of the rear wheels and a rear fender for the other of the rear wheels. Therefore, correction of claims 1, 3, 8, 10, 11, and 19-23 is not necessary. With respect to item (E), claim 16 is accurate in reciting that an end of the air intake pipe extends within the seat. See Fig. 13B and paragraph 58, for example. Therefore, correction of claim 16 is not necessary. With respect to item (G), the recitation in claim 22 that the air intake box includes an intake pipe having an inlet end adjacent to only one of the rear fenders is accurate. As shown in Fig. 13, for example, the air intake pipe has an inlet end adjacent one of the rear fenders with respect to the other of the rear fenders. Thus, correction of claim 22 is not necessary. Withdrawal of the objection to the claims is respectfully requested.

Claims, 7, 8, 13, 14, and 16 are rejected under 35 U.S.C. §102(b) by JP 3213482 (JP '482). Claims 18, 19, and 22-24 are also rejected under 35 U.S.C. §102(b) by JP '482. These rejections are respectfully traversed.

Claim 7 is directed to a straddle-type vehicle including an engine, a seat having a front portion positioned generally above the engine, an air intake system operatively connected to the engine, at least one opening adjacent a rear portion of the seat and supplying intake air to the air intake system, and a pair of rear fenders provided adjacent the rear portion of the seat. The at least one opening is located on at least one of the rear fenders.

not in claim
JP '482 does not disclose the straddle-type vehicle as recited in claim 7. JP '482 discloses a scooter type motorcycle having an engine E and an air cleaner 38 connected to the engine. The air cleaner 38 includes an opening 50. JP '482 does not disclose at least one opening adjacent a rear portion of the seat to supply intake air to the air intake system and a pair of rear fenders provided adjacent the rear portion of the seat, wherein the at least one opening is located on at least one of the rear fenders, as recited in claim 7. Withdrawal of the rejection of claim 7 is respectfully requested.

Claims 13, 14, and 16 are allowable by virtue of their dependence on claim 7 and for their recitation of additional patentable subject matter.

Claim 18 is directed to a straddle-type motor vehicle having front and rear wheels and being capable of traversing water having a predetermined depth. The vehicle includes an engine, a frame that mounts the engine, an air intake box positioned adjacent the engine, at least one opening in communication with the air intake box, and rear fenders attached to the frame. The at least one opening is provided on at least one of the rear fenders. The at least one opening is positioned on the vehicle rearward of the front wheels and so that a height of the opening is greater than the predetermined depth of the water, the at least one opening being positioned on the vehicle so as to avoid water entering the at least one opening due to encountering a water wave created in front of the vehicle that has a wave depth greater than the predetermined depth of the water.

JP '482 does not disclose the straddle-type motor vehicle as disclosed in claim 18. Specifically, JP '482 does not disclose at least one opening in communication with an air intake box and rear fenders attached to a frame, wherein the at least one opening is provided on at least one of the rear fenders, as recited in claim 18. Withdrawal of the rejection of claim 18 is respectfully requested.

Claims 19 and 22-24 are allowable by virtue of their dependence on claim 18 and for their recitation of additional patentable subject matter.

Claims 7, 15, and 17 are rejected under 35 U.S.C. §102(b) by JP 1301484 (JP '484). This rejection is respectfully traversed.

JP '484 does not disclose the straddle-type vehicle as recited in claim 7. JP '484 discloses an air box 7 that is connected to an inlet 5 of an air cleaner 4. The upper front end of the air box is connected to an air introduction port by a hose 8, an opening 12 is disposed in the rear portion thereof and a switch valve 13 is installed therein. The switch valve 13 is opened and closed by a servo motor 14. The interior of the air box can be kept substantially at the atmospheric temperature and atmospheric pressure until the car velocity reaches a high speed region. When the car velocity reaches the high speed region, the switch valve 13 is closed so that the interior of the air box is pressurized by air due to running, which flows in through the air introduction port 11 so as to be supercharged. JP '484 does not disclose at least one opening adjacent a rear portion of the seat to supply intake air to the air intake system and a pair of rear fenders provided adjacent the rear portion of the seat, wherein the at least one opening is located on at least one of the rear fenders, as recited in claim 7.

Withdrawal of the rejection of claim 7 is respectfully requested.

Claims 15 and 17 are allowable by virtue of their dependence on claim 7 and for their recitation of additional patentable subject matter.

Claims 1 and 3-6 are rejected under 35 U.S.C. §103(a) over JP 61-200029 (JP '029). Claims 25 and 27 are also rejected under 35 U.S.C. §103(a) over JP '029. These rejections are respectfully traversed.

Claim 1 is directed to an all terrain vehicle having a frame and front and rear wheels suspended from the frame. The vehicle includes a pair of rear fenders attached to the frame, the rear fenders having at least one ventilation opening. An engine is mounted on the frame and between the rear fenders, the engine providing motive power to at least one of the front and rear wheels. An air intake box is connected to the frame and supplies intake air to the engine. The air intake box includes an intake pipe connected to and receiving intake air from the at least one ventilation opening.

JP '029 does not teach or suggest the all-terrain vehicle as recited in claim 1. JP '029 discloses a vehicle having a downwardly recessed baggage room 22. The front and rear parts of the baggage room 22 are surrounded by laterally longer small chambers 24, 26, while its right and left sides are surrounded by small chambers 28, 30. A partition panel 84 is fixed to the small chamber 26. A duct 82 is connected to the bottom end of a pipe 86 which passes vertically through the partitioning panel 84, and also to the air intake port of an air cleaner 80. JP '029 does not disclose a pair of rear fenders attached to the frame, the rear fenders having at least one ventilation opening, and an air intake box connected to the frame and supplying intake air to the engine, wherein the intake box includes an intake pipe connected to and

receiving air from the at least one ventilation opening, as recited in claim 1. In JP '029, the ventilation opening 88 noted by the Examiner is provided in the partition panel 84 that forms a part of the baggage room 22. Thus, JP '029 does not teach or suggest rear fenders having at least one ventilation opening, as recited in claim 1. As shown in Fig. 2 of JP '029, for example, fenders 76a, 76b are not associated with the air cleaner 80. Withdrawal of the rejection of claim 1 is respectfully requested.

Claims 3-6 are allowable by virtue of their dependence on claim 1 and for their recitation of additional patentable subject matter.

Claim 25 is directed to an all terrain vehicle having front and rear wheels. The all terrain vehicle includes a frame from which the front and rear wheels are suspended, an engine mounted on the frame, and a fender structure overlying at least the rear wheels. The fender structure includes at least one aperture. An air intake system is in communication with the engine and includes an air box mounted on the frame. The air intake box has an intake pipe having an inlet end. The intake pipe is fastened with respect to the fender structure such that the inlet end is in communication with the aperture in the fender structure and is positioned rearward of the front wheels and higher than the rear wheels.

JP '029 does not teach or suggest the all terrain vehicle as recited in claim 25. Specifically, JP '029 does not teach or suggest a fender structure overlying at least the rear wheels, the rear fender structure including at least one aperture, and an air intake system including an intake pipe fastened with respect to the fender structure such that the inlet end is in communication with the aperture in the fender structure and is positioned rearward of the front wheels and higher than the rear wheels, as recited in claim 25. Withdrawal of the rejection of claim 25 is respectfully requested.

Claim 27 is allowable by virtue of its dependence on claim 25 and for its recitation of additional patentable subject matter.

Claims 1-4 are rejected under 35 U.S.C. §103(a) over JP 60-153418 (JP '418) in view of Peter et al., U.S. Patent No. 5,947,219 ("Peter"). Claims 7-10 and 12 are also rejected under 35 U.S.C. §103(a) over JP '418 in view of Peter. Claims 18-21 are also rejected under 35 U.S.C. §103(a) over JP '418 in view of Peter. Moreover, claims 25, 26, 28, 30, and 31 are rejected under 35 U.S.C. §103(a) over JP '418 in view of Peter. These rejections are respectfully traversed.

JP '418 discloses an air intake pipe 14a connected to a carburetor that is connected via an air cleaner to the residual part 7a of a radiator 7, which is mainly ventilated by a cooling fan 11. The intake air of an engine is applied as a supplementary power for the cooling fan

11. The Office Action refers to air cleaner 13 as an air box that supplies intake air to the engine. The Office Action notes that JP '418 fails to disclose at least one ventilation opening on the rear fenders. The Office Action relies on Peter to teach an opening on a rear portion of a rear fender.

With respect to claim 1, neither JP '418 nor Peter teach or suggest a pair of rear fenders attached to the frame, the rear fenders having at least one ventilation opening, and an air intake box connected to the frame and supplying intake air to the engine, wherein the air intake box includes an intake pipe connected to and receiving intake air from the at least one ventilation opening, as recited in claim 1. In Peter, inlet openings 46 are provided on an air grill 40. The air grill 40 is mounted on the top of a hood 32 that covers the engine. Thus, Peter does not teach or suggest rear fenders having at least one ventilation opening, as recited in claim 1. Withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-4 are allowable by virtue of their dependence on claim 1 and for their recitation of additional patentable subject matter.

With respect to claim 7, neither JP '418 nor Peter teach or suggest at least one opening adjacent a rear portion of the seat and supplying intake air to the air intake system and a pair of rear fenders provided adjacent the rear portion of the seat, wherein the at least one opening is located on at least one of the rear fenders, as recited in claim 7. Withdrawal of the rejection of claim 7 is respectfully requested.

Claims 8-10 and 12 are allowable by virtue of their dependence on claim 7 and for their recitation of additional patentable subject matter.

With respect to claim 18, neither JP '418 nor Peter teach or suggest at least one opening in communication with the air intake box, and rear fenders attached to the frame, wherein the at least one opening is provided on at least one of the rear fenders, as recited in claim 18. Withdrawal of the rejection of claim 18 is respectfully requested.

Claims 19-21 are allowable by virtue of their dependence on claim 18 and for their recitation of additional patentable subject matter.

With respect to claim 25, neither JP '418 nor Peter teach or suggest a fender structure overlying at least the rear wheels, the fender structure including at least one aperture, and an air intake system including an intake pipe fastened with respect to the fender structure such that the inlet end is in communication with the aperture in the fender structure and is positioned rearward of the front wheels and higher than the rear wheels, as recited in claim 25. Withdrawal of the rejection of claim 25 is respectfully requested.

Claims 26, 28, 30, and 31 are allowable by virtue of their dependence on claim 25 and for their recitation of additional patentable subject matter.

Claim 11 is rejected under 35 U.S.C. §103(a) over JP '418 in view of Peter, and further in view of JP 5-147565 (JP '565). This rejection is respectfully traversed.

The Office Action relies on JP '565 to teach openings in the side of a rear fender. However, JP '565 does not teach or suggest a pair of openings located on respective rear fenders, as recited in claim 11. JP' 565 discloses a cover 37 over a single rear wheel 22 and a vent hole 42 to introduce air towards a radiator. Withdrawal of the rejection of claim 11 is respectfully requested.

Claim 29 is rejected under 35 U.S.C. §103(a) over JP '418 in view of Peter, and further in view of JP '484. This rejection is respectfully traversed.

The Office Action relies on JP '484 to teach an intake system that draws air both from the rear and forward direction of the vehicle. This does not make up for the deficiencies noted above with respect to claim 25. Thus, claim 29 is allowable by virtue of its dependence on claim 25 and for its recitation of additional patentable subject matter.

All rejections and objections have been addressed. It is respectfully submitted that the present application is now in condition for allowance, and a notice to that effect is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached Appendix is captioned "Version With Markings to Show Changes Made".

Should there be any questions or concerns regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

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Attachment: Appendix



APPENDIX

"Version With Markings to Show Changes Made"

IN THE SPECIFICATION:

The specification is amended as follows:

Page 3, please delete paragraph 8, and replace it with the following new paragraph:

Figure 2B is a top plan view of the ATV 100 shown in Figure 2A, with the seat 107 being removed and the front and rear fenders 116, 117 being shown in phantom. The front and rear wheels 102 and 103 are supported by a main frame [120] 121, while a subframe 122, which is connected to the main frame [120] 121 through joints 124, supports the radiator and fan assembly 170. A suitable type of power unit, e.g., an engine 150, is preferably capable of simultaneously driving the front and rear wheels 102 and 103 through a suitable transmission, although rear wheel drive only ATVs are also contemplated. The ATV 100 also includes a carburetor 152, an exhaust pipe 154, a muffler 156, and an air intake system 200, which is shown in greater detail in Figure 3.

Page 3, please delete paragraph 9 and replace it with the following new paragraph:

Figure 3 is a schematic view illustrating an intake air system 200. An inlet end 212 of a front air intake pipe 214 is positioned at the front of the ATV 100 adjacent the steering column, just below a mounting plate 115 for mounting equipment, e.g., an instrument panel and/or a dash board. The inlet end 212 is positioned at substantially the highest point of the ATV 100 to substantially eliminate entry of mud or water caused either by immersion when traversing relatively deep water or by splashing when traversing wet terrain. The front air intake pipe 214 is connected to a sleeve 216 and a rear air intake pipe [17] 217 that leads to the air box 201, which is positioned just below a rear portion of the seat 107. Clamps 210 secure the front air intake pipe 214 to the sleeve 216, and the sleeve 216 to the rear air intake pipe 217. Intake air from the air box 201 is supplied to the carburetor 152 using a hose 206 that is held by a clamp 210 to the carburetor 152. Air is supplied to an engine valve cover (not shown) and the engine 150 using a vent hose 222, clamps 218 and 219, PCV valve 221, oetiker clamp 227, vent hose 226, "Y" fitting 228, hoses 229 and 230 and fitting 233. The air filter 155 is placed in the air box 201 along with a foam member 220. Air intake tubes 211 fit within the air filter 155. A cover 226 is secured by cover brackets 232 to the air intake box 201.

Page 4, please delete paragraph 12 and replace it with the following new paragraph:

Furthermore, both of the prior art intake systems 200 and 720 share an additional drawback in that the respective inlets 212, 722 are located just in front of the rider. With this arrangement, the rider is exposed to a substantial degree of noise and vibration emanating from the inlets 212, [720] 722.

Page 7, please delete paragraph 25 and replace it with the following new paragraph:

In embodiments of an all-terrain vehicle, the aperture in the fender structure may be a ventilation opening that supplies intake air to a radiator positioned adjacent the engine. Also, the intake pipe may include a clip that attaches to the fender structure.

Page 8, please delete paragraph 36 and replace it with the following new paragraph:

Figure 8 is a top [plan] view of the air intake system of Figure 5 illustrating one embodiment of the manner in which the air intake box is connected to both the frame and fender structure;

Page 9, please delete paragraph 42 and replace it with the following new paragraph:

Figure 13A is a top [plan] view of the cover portion and rear fenders shown in Figure 12;

Page 9, please delete paragraph 46 and replace it with the following new paragraph:

The air intake system 300 includes an air intake pipe 302 connected to the main body 351 of the air box 301, toward the rear of the ATV 500. The air intake box 301 includes a port 303 that is connected to and provides intake air to an outlet pipe 304 that leads to a carburetor 352 (Figures 6 and 7). The air box 301 also includes ports 305A and 305B, which are connected to vacuum pipe 306A and engine ventilation pipe 306B, respectively. The vacuum pipe 306A is connected to the carburetor 352 and applies vacuum pressure from the carburetor 352 (generated by the engine 600) on a valve element (not shown) situated within the air box 301. It is contemplated that the valve element may be used to control the quantity of intake air allowed to enter the outlet pipe 304 from the air box 301. The engine ventilation pipe 306B serves to vent [engine] components of engine 600 such as a crankcase and valve cover through respective ventilation pipes 307, 308. As shown in Fig. 5, engine ventilation pipe 306B includes a “Y” fitting 311 to connect both the crankcase and valve cover of the

engine 600 via pipes 307, 308, respectively to the engine ventilation pipe 306B. There are, of course, different configurations possible for the input to and output from the air box 301 dependent upon the particular design of the engine 600.

On page 11, please delete paragraph 51 and replace it with the following new paragraph:

Figure 8 is a top plan view illustrating one preferred connection arrangement between the air intake system 300 and the frame 120. Figure 8 also illustrates one preferred arrangement for connecting the air intake system 300 to a connecting wall 502 that is positioned between and preferably formed integrally with the fender structure, e.g., rear fenders 516 (Figure 12). Referring back to Figure 6, the frame 120 includes a frame adapter member 125 connected to the frame 120 using, for example, a standard nut and bolt assembly 142 (Figure 8), or other suitable fastener. The adapter member 125 includes a lateral extension [126] 127 on each side of a main support bar 123 of the frame 120. The lateral extension towards the air box 301 includes a bolt hole through which a bolt 340 (Figure 9) extends to secure the air box 301 to the adapter member 125 of the frame 120. As shown in Figure 9, which is an enlarged cross-sectional view along line IX – IX of Figure 8, the extension 353 of the air box 301 and one of the lateral extensions [126] 127 of the frame 120 (on the side of the main support bar 123 facing the air box 301) are bolted together using the bolt 340 and a nut 342.

On page 11, please delete paragraph 52 and replace it with the following new paragraph:

As shown in Figures 8, 10, 13 and 13A, the air intake pipe 302 extends beneath the connecting wall 502 and extends upwardly through a bottom wall 506 defined by one of a plurality of channels 590 (Figure 13) that are preferably formed as part of the fender structure. Referring to Figure 13A, the bottom wall 506 may be provided with a U-shaped aperture [507] 505, through which the intake pipe 302 extends. Alternatively, or in addition, the intake pipe 302 can be guided through an aperture (not shown) formed in a side wall of the connecting wall 502, rather than in the bottom wall 506 of, one of the channels 590. As shown in Figures 8 and 11, the connecting wall 502 also includes a slot 504 for receiving a fastener formed as part of the intake pipe 302. For example, a clip 315 made of a resilient material and integrally formed with or connected to the intake pipe 302 can be provided to fasten the intake pipe 302 to the connecting wall 502. The detail view of Figure 11 shows

that the clip 315 extends through the connecting wall 502 to secure the intake pipe 302 with respect to the connecting wall 502 such that the inlet end 312 of the intake pipe 302 is fastened in a predetermined position with respect to an aperture or a ventilation opening 520 (Figure 13) on the fender structure, e.g., the rear fenders 516 of the ATV, as described below.

On page 12, please delete paragraph 53 and replace it with the following new paragraph:

Like the ATV 100 shown in Figure 1, the ATV 500 according to the invention has fender structure that includes rear fenders 516 on either side of a seat 507, as shown in Figures 12 and 13. The rear fenders 516 include apertures or ventilation openings 520. Also, since the power unit (engine) is positioned at least in part beneath the seat 507, additional ventilation openings 547 are preferably provided in the base portion of the seat 507 in order to ensure proper ventilation of the engine compartment. The ventilation openings 547 preferably extend to the side of the seat 507 since accessories, which could block the openings, may be provided in front of the base portion of the seat 507. Figure 12 also shows protection grills 530 that are connected to a cover portion 513. The protection grills 530 prevent large objects from entering into the channels 590 (Figure 13) that lead to the radiator and fan assembly 170, which [is] are more fully described in [co-pending applications 09/338,749] U.S. Patent No. 6,296,073 and allowed pending application 09/057,652.

On page 12, please delete paragraph 54 and replace it with the following new paragraph:

Figure 13 schematically shows the position of the airbox 301 next to the connecting wall 502 between the rear fenders 516. The intake pipe 302 of the air box 301 is guided beneath the connecting wall 502 and through a bottom wall 506 of the channels 590 (via aperture [507] 505) so that the inlet end 312 has access to intake air that enters at least one of the ventilation openings 520. The slot 504 for receiving the clip 315 that is integrally formed with or connected to the intake pipe 302 is also shown. [The] As shown in Figs. 10 and 11, the slot 504 is positioned such that the inlet end 312 of the intake pipe 302 is positioned to receive intake air through at least one of the ventilation openings 520. As such, the ventilation openings 520 provide intake air to both the radiator and fan assembly 170 as well as the intake air system 300. As shown in Figure 13, The inlet end 312 of the intake pipe 302 is positioned adjacent a rear lateral portion of the seat 507. In this position, the inlet end of the intake pipe 302 is positioned rearward of the front wheels 102, and preferably above one

of the rear wheels 103. As also shown, the inlet end 312 of the intake pipe 302 curves to the right side of the ATV, toward [the] a right [fender] one of the rear fenders 516. In this manner, in the illustrated preferred embodiment, the air intake pipe 302 draws air from substantially only one of the ventilation openings 520, which is on the right side of the ATV, as shown in Figure 13.

On page 13, please delete paragraph 55 and replace it with the following new paragraph:

It is also contemplated that the intake pipe 302 may curve to the left, so as to draw air substantially from the left side of the ATV, or may be disposed proximate the center of the ATV, between the rear fenders 516, so as to draw air from both ventilation openings 520. Furthermore, the intake pipe 302 may be configured such that an intake opening 360 provided by the intake pipe 302 is arranged in a generally forwardly facing direction so as to confront connecting wall 502. In this manner, there is a decreased likelihood that foreign objects or water may enter the [aperture] intake opening 360.

On page 13, please delete paragraph 56 and replace it with the following new paragraph:

Alternatively, the intake pipe 302 may be configured such that the [aperture] intake opening 360 faces toward a rear of the ATV, or laterally toward the center of the ATV. Obviously, foreign objects and water are substantially prevented from entering the [aperture] intake opening 360 in any of these arrangements due to the orientation of the [aperture] intake opening 360 relative to the direction of air flow (and perhaps water flow, if water enters the openings 520) through the channels 590 toward the radiator and fan assembly 170.

IN THE DRAWINGS:

Filed herewith is a Drawing Change Authorization Request.

IN THE CLAIMS:

Claims 8 and 19 are cancelled.

The claims are amended as follows:

4. (Amended) The all terrain vehicle according to claim 3, wherein the inlet end of the intake pipe is positioned above the rear wheels so as to avoid interaction with a water wave created in a front portion of the vehicle when the vehicle travels through water.

5. (Amended) The all terrain vehicle according to claim 1, wherein the intake pipe includes an inlet end and a fastener that connects to a connecting wall between the rear fenders.

7. (Amended) A [straddle type] straddle-type vehicle comprising;
an engine;
a seat having a front portion positioned generally above the engine;
an air intake system operatively connected to the engine; [and]
at least one opening adjacent a rear portion of the seat and supplying intake air to the air intake system; and
a pair of rear fenders provided adjacent the rear portion of the seat, the at least one opening being located on at least one of the rear fenders.

9. (Amended) The [straddle type] straddle-type vehicle according to claim [8] 7, wherein the at least one opening is a ventilation opening supplying air to both the air intake system and a radiator of the vehicle.

10. (Amended) The [straddle type] straddle-type vehicle according to claim [8] 7, wherein the seat is located between the rear fenders, the air intake system including an intake pipe having an inlet end positioned adjacent a rear lateral portion of the seat.

11. (Amended) The [straddle type] straddle-type vehicle according to claim [8] 7, wherein the at least one opening includes a pair of openings, the pair of openings being located on respective rear fenders, such that the rear portion of the seat is disposed between the pair of openings.

12. (Amended) The [straddle type] straddle-type vehicle according to claim [8] 7, wherein the at least one opening is located on a respective rear fender generally rearward of the rearward portion of the seat.

13. (Amended) The [straddle type] straddle-type vehicle according to claim 7, wherein the at least one opening is not located directly vertically of the engine.

14. (Amended) The [straddle type] straddle-type vehicle according to claim 7, wherein the air intake system includes an intake pipe positioned so as to avoid interaction with a water wave created in a front portion of the vehicle when the vehicle travels through water.

15. (Amended) The [straddle type] straddle-type vehicle according to claim 7, wherein the at least one opening is at least partially formed by the rear portion of the seat.

16. (Amended) The [straddle type] straddle-type vehicle according to claim 7, wherein the air intake system includes an air intake pipe, wherein an end of the air intake pipe extends within the seat.

17. (Amended) The [straddle type] straddle-type vehicle according to claim 16, wherein the rear portion of the seat forms a hollow enclosure, an interior of the hollow enclosure being communicated with an end of the air intake pipe and the opening.

18. (Amended) A [straddle type] straddle-type motor vehicle having front and rear wheels and being capable of traversing water having a predetermined depth, the vehicle comprising:

an engine;

a frame that mounts the engine;

an air intake box positioned adjacent the engine; [and]

at least one opening in communication with the air intake box[,] ; and

rear fenders attached to the frame, the at least one opening being provided on at least one of the rear fenders,

the at least one opening being positioned on the vehicle rearward of the front wheels and so that a height of the opening is greater than the predetermined depth of the water, the at least one opening being positioned on the vehicle so as to avoid water entering the at least one opening due to encountering a water wave created in front of the vehicle that has a wave depth greater than the predetermined depth of the water.

20. (Amended) The [straddle type] straddle-type vehicle according to claim [19] 18 wherein the at least one opening comprises at least one opening provided on each of the rear fenders.

21. (Amended) The [straddle type] straddle-type vehicle according to claim 20, wherein the at least one opening is a pair of ventilation openings located on respective rear

fenders, the ventilation openings being in communication with both the air intake box and a radiator of the vehicle.

22. (Amended) The [straddle type] straddle-type vehicle according to claim [19] 18, wherein the air intake box includes an intake pipe having an inlet end adjacent to only one of the rear fenders.

23. (Amended) The [straddle type] straddle-type vehicle according to claim [19] 18, further comprising a seat provided between the rear fenders, the air intake box including an intake pipe having an inlet end positioned adjacent a rear lateral portion of the seat.

24. (Amended) The [straddle type] straddle-type vehicle according to claim 18, wherein the at least one opening is positioned above one of the rear wheels.